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SUBJECT: ACHIEVING USG GOALS IN KENYA'S ELECTION

REF: A. NAIROBI 733 AND PREVIOUS

[1](#)B. NAIROBI 1514

[1](#)1. (SBU) Summary and Introduction: Kenya has an opportunity this year to enhance its position as a leading African democracy. USG goals for Kenya's December 2007 general elections are that 1) they are transparent and competitive, producing credible, widely accepted results; 2) candidates and their supporters eschew violence and ethnic polarization; and 3) candidates discuss issues important to the electorate, including priority issues for the USG such as insecurity and corruption. U.S. Mission Kenya's comprehensive interagency strategy to achieve these goals consists of public diplomacy themes; advocacy at all levels of government, political parties, the press, civil society, and religious leadership; and direct assistance, including donor-coordinated support to the Electoral Commission of Kenya, political party strengthening and fielding observers in a joint diplomatic observation mission. Campaign themes and the outcome of the election itself will largely determine the Kenyan political agenda for the following five years, and so will have a major effect on Kenya's receptivity to USG priorities. The Ambassador will delineate U.S. views on the elections in a major speech in early May (which will be cleared with the Department). End Summary.

#### Public Diplomacy Themes

[1](#)2. (SBU) In speeches, editorials and press statements, the U.S. mission will communicate the following themes.

[1](#)3. (SBU) Positioning: Some civil society leaders and opposition members of Parliament have complained recently that the U.S. mission is not close enough to the opposition. In fact, we have close contacts with the opposition from the top levels through the Ambassador to all levels. However, the opposition longs for the days in 2005 when Foreign Minister Tuju publicly condemned the U.S. mission for supposedly desiring "regime change" in Kenya. They also cite the period in the 1990s when the U.S. mission openly sided against the Moi administration in favor of the multiparty democracy movement. However, the present government, for all its flaws, was elected under conditions widely considered free and fair. As for its indulgence of corrupt members of the political class, we note that the opposition has taken no disciplinary action against notoriously corrupt members within its own ranks. Corruption plagues the entire political class. We will continue to publicly condemn it as a major impediment to Kenya's progress. We will continue to work closely with the Kibaki administration to achieve USG goals, but we will continue to assert ourselves as completely neutral concerning the election itself. Our strategy is to build capital with the government to be spent as needed over the course of the campaign to address critical electoral issues. We started that process through emphasis on the

U.S.-Kenya partnership (reftel B). While we will be strictly neutral among the contending political parties, we will be fiercely partisan in support of the democratic process.

¶4. (SBU) **Ethnic Incitement & Ethnic Bloc Voting:** Political observers are raising alarms about the prospects of ethnic violence during the upcoming campaign at rates higher than the historically low levels of the 2002 national election and the 2005 national referendum. We consider that the opposition is more likely than the government to play the ethnic card as a means of mobilizing its supporters. However, the governing coalition also has violence-prone youth supporters and outright criminal gangs at its disposal to counter opposition "militants" and to pursue local "ethnic mobilization" where it suits their interests. We will make our message of ethnic harmony a central theme in all our public and private outreach. We will stress that all leaders in Kenya, whether political, religious or civil society, have a responsibility to promote ethnic harmony and to condemn those who incite ethnic violence. Political party leaders in particular have a duty to discipline and disown their members who employ this tactic. We will also urge that campaigns focus on issues rather than simply encouraging ethnic bloc voting through promises of patronage and other means, which has been the tradition. We will recommend public debates and town hall meetings as ways of communicating candidates' platforms to the voters.

¶5. (SBU) **Inclusiveness:** Historically, women and youth have been underrepresented among actual voters due to intimidation and bureaucratic hurdles to obtaining necessary identification documents. Similarly, preliminary voter registration numbers indicate that some regions (notably pro-government central province) have considerably higher rates of voter registration than others (notably the

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underpopulated and logistically challenging northern half of the country). Kenyan Muslims have long complained of disenfranchisement due to the considerable difficulty they experience when applying for national identification documents. The majority of the potential electorate is female and under 30 years old. We will urge the government to register all eligible citizens without regard to gender, age, region, religion or ethnicity. This will require commitment from both the Ministry of Immigration and Registrar of Persons (national identification cards) and the Electoral Commission of Kenya (voter identification cards). We will also support efforts to mobilize participation through voter awareness and education.

¶6. (SBU) **Neutrality of Administration & Prohibition on Use of Government Resources for Partisan Purposes:** We will publicly review the record of the July 2006 by-elections in this regard, and the condemnation of government abuses at that time made by the Chairman of the Electoral Commission of Kenya and the Chairman of the Kenya Human Rights Commission. We will emphasize the importance of a level playing field so that the true voice of the Kenyan people may be heard. We are working to bolster the independence of the Electoral Commission of Kenya.

#### Advocacy Efforts

¶7. (SBU) We are conducting both bilateral and multilateral advocacy regarding the elections. Our multilateral efforts are described in paras 9 and 15 below. As for our bilateral effort, U.S. mission officials will discuss specific electoral issues related to the themes outlined above with key decisionmakers in government, the Electoral Commission of Kenya, the political parties, religious organizations, the press and civil society both pro-actively and as election-related crises arise. We will urge adherence to democratic principles, avoidance of inflammatory and divisive language, effective voter and civic education, and campaigning focused on national issues rather than parochial

and ethnic interests. We will stress freedom of assembly and association, a level electoral playing field, the importance of an independent and effective electoral commission and provincial administration, and the need for increasing the availability of objective campaign information for voters. We will encourage candidates and political parties to speak out on issues of particular interest to the electorate, as evidenced in polling. Polling data shows that issues important to the USG, such as corruption and insecurity, also top the list for Kenya's voters. We will emphasize in all our discussions that Kenya has a great opportunity in this election to strengthen its democracy and to form a national consensus on how best to address issues that hinder Kenya's economic and social progress.

18. (SBU) Electoral Reform: As reported in reftel B, electoral reform continues to be a hotly debated topic in Kenya. There is a consensus among all political parties and civil society that reform is required. There are no prominent defenders of the status quo. However, there is no consensus on the scope of reforms and the particulars of those reforms. Since the 2002 general election and the 2005 referendum on the draft constitution were both held under the present electoral system and were deemed free and fair, and since Kenyan society is adequately debating electoral reform, we see no reason for the USG to enter the fray. However, we have urged on all parties a spirit of compromise and an emphasis on the longterm best interests of the nation rather than short term electoral advantage. An opposition leader recently threatened a boycott of elections if his party's electoral reform demands are not met. We made it clear to him that such intemperate language is not constructive and that boycotts are not acceptable. He stopped issuing boycott threats.

Direct Action: Donor Coordination, Election Observation & Strengthening Political Parties

19. (SBU) As agreed with the donors, the U.S. Mission is taking the lead on coordination. USAID/Kenya chairs the Electoral Process Donor Coordination Group, which includes representatives from 13 bilateral and multilateral organizations. We are playing a leading role within the Like-Minded Donors Group (LIMID, which includes Canada, the UK, Norway, Japan, Switzerland and Germany) through the participation of the Ambassador, USAID/Kenya's Democracy and Governance office, and the Embassy political section. We drafted a document adopted by LIMID (and the EU) containing shared guiding principles to inform a common political message to be delivered consistently over the next nine months by members of all LIMID-EU missions to government

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officials (including the President), political party leaders, and the media (see text in para 15 below). The same message will be presented at a joint heads of mission press conference closer to the election. In addition to this proactive strategy, the agreed-upon common principles will allow the LIMID-EU group to respond quickly to any instances of misconduct or other concern. Within the LIMID-EU group, thematic working groups will track and address issues such as media freedom and electoral violence. Complementing political advocacy in the capital, inter-mission teams, with U.S. Mission participation, will visit identified "hotspots" outside of Nairobi to meet with local electoral officials, provincial administration, police, and civil society groups, again delivering a common message.

10. (SBU) The culmination of the year-long coordinated LIMID electoral process support effort will be a joint diplomatic observer mission, with the possibility of participation by the EU Commission and other diplomatic missions from democratic states (Community of Democracies member states with representation in Kenya). Observers from all participating missions will witness campaigning and polling in prioritized constituencies. UNDP (with USAID support, see

para 13 below) is considering a proposal to fund an observation coordinator to provide support for accreditation, observer training, transportation coordination, and to maximize coverage and minimize overlap. The U.S. mission plans to field approximately 100 two-member teams comprised of one Kenyan and one American staff member, as it did in 2002 and 2005. The joint diplomatic observer mission at its conclusion will submit a single report to the Electoral Commission of Kenya, as well as issue a public statement immediately after election day. Based on past experience, the EU is likely to release its own report and not be a signatory to the joint report.

¶11. (SBU) USAID/Kenya funded a pre-electoral assessment in February 2006. Based on that assessment and on discussions within the USG, with key Kenyan partners, particularly the Electoral Commission of Kenya (ECK), and other donor partners, USAID/Kenya has expanded current electoral assistance in preparation for the 2007 national elections. Electoral support consists of enhanced ongoing assistance in the fields of elections administration, public opinion polling and political party strengthening; and new program assistance as described below.

¶12. (U) Ongoing Assistance: USAID/Kenya has ongoing support in the areas of electoral administration, public opinion polling and political party strengthening. Program activities include the following:

-- Elections Administration: Developing the capacity of the Electoral Commission of Kenya (ECK) to effectively administer elections has been the largest single component of USAID's electoral processes support. The International Foundation of Election Systems (IFES) began implementing this program in March 2001. Activities have emphasized providing appropriate technology for more efficient, secure and transparent elections administration while improving the skills of the ECK technical staff. This assistance also serves to reinforce the independence of the ECK.

-- Public Opinion Polling: The International Republican Institute began implementing a public opinion program in ¶2005. The program seeks to achieve two results: increasing the availability of objective and reliable polling data; and providing an independent source of verification of electoral outcomes via exit polls. These results make an important contribution to elections and political processes. First, genuine free and fair elections require that citizens make informed choices. The polling data adds to the objective data available to citizens on key electoral issues. Second, the exit polls provide an independent assessment of the accuracy of the official electoral results, thereby supporting the assessment of the credibility of Kenyan electoral processes. This program also enhances democratic political parties by enhancing the likelihood that candidates base their platforms on the key issues and concerns of their constituents, evidenced in the polling data, rather than the traditional focus on ethnicity and personalized political wrangling.

-- Strengthening Political Parties: In 2006 NDI began assisting political parties to achieve three results: developing predictable party structures that encourage genuine participation of women and youth, increasing the emphasis on issues in campaigns, and articulating the need for electoral reforms. This program is at the core of efforts to promote democratic political parties. Its activities will culminate in the long-term goals of issues-based public

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policy and campaigning; women and youth serving in meaningful party leadership positions; and a legislative environment that promotes transparency and levels the electoral playing field.

¶13. (U) New Program Assistance: USAID is in the final stages of awarding a grant to UNDP as part of a two-year multi-donor

funded, comprehensive electoral assistance program, which will promote the legitimate contest for ideas through democratic processes reflecting Kenyans, will. The goal: Kenyan national elections will be free and fair with minimal violence or electoral irregularities. The program's activities will include increasing the efficiency and professional management of the electoral process (implemented in cooperation with the IFES program outlined above); enhancing information available to voters; empowering them to make informed choices regarding candidates through such events as debates and town hall meetings; adding to citizens' knowledge of the electoral process; improving the accuracy of media reporting on electoral issues; reducing incidences of electoral violence; and enhancing the effectiveness of domestic observation. This mechanism provides opportunities to harmonize the efforts of 10 donors while significantly leveraging funds. It also allows for maximum host country ownership. A Program Steering Committee, including four members of the Electoral Commission of Kenya and three donors, and led by USAID, oversees the program. USG funds account for approximately 25% of the overall program costs.

#### An Historic, Agenda-Setting Election

¶14. (SBU) Kenya today easily has more civic freedoms than at any time in its 112 year history as a political entity. This will be the first multiparty election organized by a Kenyan government that has credible democratic credentials and broad domestic and international legitimacy. The issues that candidates and the media emphasize in this election will greatly influence Kenya's political agenda for the next five years. We will make every effort to assist Kenyans to strengthen and institutionalize their democracy. A credible process will contribute to improved governance more responsive to Kenya's citizenry and more prepared to address the issues of greatest concern to both the Kenyan people and the USG, namely corruption, insecurity and tribalism.

#### Coordinated Donor Advocacy Text

¶15. (U) Support for Kenya's 2007 Elections: We, the Heads of Missions of (names of Missions in alphabetical order; confirmed by 17APR07: Canadian High Commission, UK High Commission, Embassy of Switzerland, Embassy of Norway, Embassy of the United States of America) support Kenya's dynamic democracy and are therefore committed to supporting a fair, inclusive, transparent and non-violent electoral process during this election year. In doing so we shall be guided by the following principles:

-- Elections are vital to the enjoyment of civil and political rights, and helping Kenya promote and protect the rights of its citizens is an important aspect of our partnership with Kenya;

-- We shall remain non-partisan and entirely neutral with regard to the political parties or candidates contesting the election; our support is for the Kenyan people and the country's democratic development;

-- We intend to help Kenya promote a peaceful and fair campaign as well as transparent and effective voting in accordance with Kenyan law, the Electoral Code of Conduct, and international elections standards;

-- We support the Electoral Commission of Kenya as the body charged with administering Kenya's elections. The ECK should be unhindered in fulfilling its mandate, including the provision of voter education so that all voters are well informed of electoral procedures. Continuity of ECK leadership will contribute to the credibility of the electoral process;

-- There should be no effort to intimidate the media; the media is expected to provide objective and unbiased reporting of the electoral process and refrain from ethnic incitement.

-- All civil servants, including Provincial and District

Administration officials, are expected to abide by the Public Officer,s Ethics Act, to remain politically neutral and should not interfere in the election process. They are expected to create conditions in which all candidates, voters, members of the media and civil society may move

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throughout the country and assemble freely;

-- The government and political parties should seek to discourage tribalism;

-- There should be zero tolerance for any elections-related violence; and

-- Consistent with existing codes and legislation, government resources should not be used to carry out political campaigns or to influence the electoral process.

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